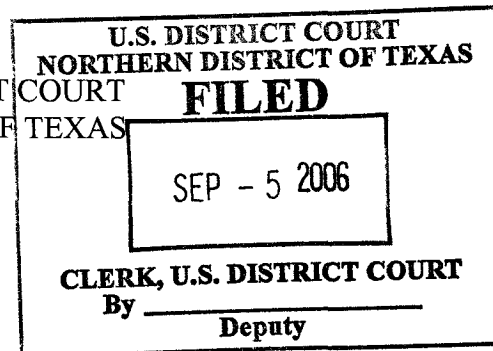


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



OTIS LAIRD BOGGESS,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:06-CV-0187

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION IN PART,
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner has filed a petition for a writ of habeas corpus wherein he challenges the result of a state prison disciplinary proceeding. Petitioner however, failed to fully and completely answer the questions in the form petition and on July 21, 2006, petitioner was ordered to submit an amended petition. On August 2, 2006 petitioner's amended petition was filed in this Court. However, petitioner again failed to state a claim upon which relief could be granted, instead petitioner attempted to incorporate the issues challenged in his appeal of the disciplinary case by way of Step 1 and Step 2 grievances. Petitioner failed to attach copies of such grievances or to tell the Court the issues raised in the grievances. On August 15, 2006, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's habeas application be dismissed for failure to pay the filing fee¹ and for failure to state a claim

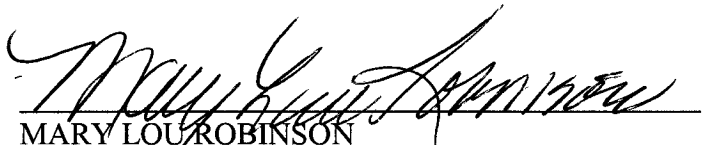
¹Petitioner was granted leave to proceed *in forma pauperis* temporarily. On August 15, 2006 when the Report and Recommendation issued, petitioner had not submitted a request to proceed *in forma pauperis* or paid the filing fee as ordered by the Court. However, on August 25, 2006, petitioner's filing fee was received. The undersigned does not adopt the portion of the Report and Recommendation recommending dismissal based upon petitioner's failure to pay the filing fee.

upon which relief could be granted. On August 30, 2006, petitioner filed objections to the Report and Recommendation and attached thereto, a third habeas form petition. By way of this third petition, petitioner appears to again attempt to incorporate whatever issues he previously raised by way of Step 1 and Step 2 grievances. Again, petitioner has failed to inform the Court of the specific issues he wishes to raise or alternatively, to provide copies of such grievances.

The undersigned United States District Judge has made an independent examination of the record in this case. Petitioner's objections are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED in part as set forth above. Accordingly, the petition for a writ of habeas corpus filed by petitioner is DISMISSED.

IT IS SO ORDERED.

ENTERED this 5th day of September 2006.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE